

## Culture, Housing, Environment and Planning Committee

17 March 2021

### Further Engagement on the Local Plan

Nazeya Hussain, Executive Director of Place

Relevant Portfolio Holder: Councillor Rebekah Moll, Portfolio Holder for Planning Policy and Culture.

#### Purpose of Report

To agree to a revised Local Development Scheme, and the approach to engagement for the next phase of the Local Plan.

#### Recommendation(s)

The Committee is asked to **RESOLVE** that:

1. A revised Local Development Scheme (Annex 1) incorporating changes to the timetable for preparing the new Local Plan set out in this report be approved.
2. The undertaking of an additional stage of engagement in the Local Plan programme (to be known as Further Engagement on the Local Plan) - as set out in the revised Local Development Scheme - be approved. This will be carried out in conformity with relevant planning regulations.
3. Prior to the Further Engagement on the Local Plan, the Assistant Director for Strategic Planning and Infrastructure, in consultation with the relevant Portfolio Holders and opposition spokesperson(s) be given delegated authority to agree the materials for the Further Engagement on the Local Plan.

#### Benefits to the Community:

The updated Local Development Scheme will provide clarity to the community on the timescales for the delivery of the Local Plan and when they can take part in its preparation. It will also provide information about the planning documents comprising the borough's current Development Plan and the new documents that the Council intends to produce as it delivers its Local Plan. By carrying out the recommendations within this report, the Council will be continuing its commitment to hardwire engagement into decision making. Communities will help to shape the vision for Kingston's future and play an intrinsic role in creating a truly local plan for the borough up to 2041.

#### Key Points

- A. Section 15 of the Planning and Compulsory Purchase Act 2004 places a statutory requirement on the Council to set out its current planning policy documents and any new or replacement documents it intends to produce, and list them in the Local Development Scheme (LDS).
- B. There have been significant changes to the planning policy context since Kingston's 2020 LDS was approved. Most notably the publication of the Government's White

Paper on the future of planning and the imminent publication of the Mayor's new London Plan.

- C. The updated LDS (Annex 1) covers the period from Spring 2021 to Winter 2023/24. These changes include an update to the timetable for preparing the new Local Plan. The new Local Plan will set out the overall development strategy for the borough for the period 2019-2041.
- D. The Local Plan sets the vision for the borough until 2041. The council needs to ensure that it is right for the conditions now. The council has a commitment to ensuring engagement is at the heart of everything it does and enables local people to be part of shaping decisions and decision making.
- E. There has been much significant change since the council first heard from communities on its Early Engagement on the Local Plan in 2019, some of which has been entirely unexpected. COVID-19 has changed how people live their lives, the soon to be adopted new London Plan now asks Kingston to build 964 homes a year, national planning policy has changed, and the local environment and community spaces have become even more important to many people. The Council declared a climate emergency in June 2019 and has committed to supporting a carbon neutral position for the borough by 2038.
- F. The Council needs to ensure it captures the latest thoughts and views on how Kingston grows sustainably and changes as a borough over the next twenty years, protecting the borough's heritage and culture alongside creating places to meet the needs of those starting out and for future generations. To do this, the Council needs to talk to residents and communities that live, work and spend time in the borough.
- G. The engagement strategy comprises primarily an accessible digital approach given the ongoing restrictions and the intentions of White Paper, with the option of holding face-to-face events if restrictions allow. Special focus will also be given to engaging with those who may not have access to the internet, through working with council officers, partners, local organisations and community groups.
- H. As part of this stage of developing a new Local Plan, the Council will reopen the Call for Sites, asking communities if there are sites, of any size or type, within the borough that could potentially be developed in the future to provide more homes, jobs and supporting infrastructure to provide for all.
- I. Based on this engagement, the Council will collate the feedback, together with that from the previous engagement and prepare a draft Local Plan.

## **Context**

1. The Local Development Scheme (LDS) sets out details for the production of the new Local Plan. The process for preparing each of these documents is prescribed by Government legislation under the Planning and Compulsory Purchase Act 2004. The LDS sets out the timetable for the preparation of the new Local Plan. The latest LDS was updated and approved in July 2020.

2. A new Local Plan is needed to conform with the requirements set out in the updated National Planning Policy Framework (2019), and the new London Plan. The Local Plan will need to identify how the Council intends to meet the new housing and employment needs identified in its evidence base studies to successfully deliver government requirements and those of the London Plan. The Council's current Development Plan Documents do not adequately demonstrate how it intends to deliver the needs of a rapidly rising population.
3. The first formal public engagement (Regulation 18 stage) on the new Local Plan (Early Engagement) was carried out between May and July 2019. A Statement of Consultation summarising the representations made is included in Annex 2.
4. Since the latest update to the LDS, there have been various changes to the planning policy context - both at national and London level - which have impacted on the ability to continue preparing the new Local Plan in accordance with timetable set out in the 2020, LDS which are set out below.
5. In August 2020, the Government published planning policy changes in England in 2020 and the 'Planning for the Future' White Paper. The White Paper sets out proposals for a series of fundamental reforms to the planning system in England, covering plan-making, development management, and development contributions. The proposed changes are significant and will likely have far-reaching implications for the planning functions of this Council in the future, including a proposed zonal approach to plan making.
6. The White Paper sets out that the new-style Local Plans could see:
  - A focus on identifying land suitable for different types of development and non-development under three categories (Growth, Renewal and Protected).
    - Plans would also have to set out the types and forms of development suitable in each area and any site-specific requirements.
  - An expectation for authorities to make greater use of digital technologies, for plans to be more visual and map-based, and utilise digital tools to modernise the planning process. The Council is committed to following this new approach by incorporating greater use of digital technologies in the new Local Plan.
7. In September 2020, significant changes to the Use Classes Order came into effect, including the collating of various town centre uses into a single use class (Class E), which impacts the ability to manage retail, commercial and office uses.
8. Since the Early Engagement of the new Local Plan, the new London Plan has progressed through Examination in Public to a final Publication stage, which has now been approved by the Secretary of State for Housing, Communities and Local Government. The Publication version of the new London Plan has decreased the housing target for the Borough from 1,364 homes per year (as set out in the version that went to Examination in Public) to 964 homes per year. Nonetheless, this housing target is significantly higher than the current housing target (643 homes per

year) set out in the 2016 London Plan. The new London Plan is expected to be formally published by the Mayor of London imminently.

9. The continued impact of the COVID-19 pandemic, together with the various changes to the planning policy context, have resulted in a need to reprogramme the timetable for preparing the new Local Plan. It is considered that the most appropriate way of addressing these changes and the potential impact for development in the borough in the future is to carry out additional engagement at Regulation 18 stage - to be known as Further Engagement on the Local Plan, rather than proceeding to the First Draft of the Local Plan as originally intended. Consequently, the additional stage of engagement requires an update to the LDS.

## **Proposals**

10. There are two proposals in this report:
  - Revised Local Development Scheme (LDS)
  - Further Engagement on the Local Plan

### Revised Local Development Scheme

11. The changes to the planning policy context and the commitment to carry out further engagement on the new Local Plan requires an updated LDS.
12. The Minister of State for Housing and Planning recently reiterated that all Local Plans should be adopted by the end of 2023. The Council is committed to meeting this target and the revised LDS includes a timetable that schedules the Local Plan to be adopted by December 2023.
13. The revised LDS covers the period from Spring 2021 to Winter 2023/24 and is shown in Annex 1. Once approved, this will be published on the Council's planning policy webpages.

### Further Engagement on the Local Plan

14. The Council will involve and collaborate with residents and communities on their future vision for the borough.
15. The intention is to use an online platform to gather and test ideas with residents and gain a greater understanding of their priorities going forward. It is intended that this platform will be as interactive and engaging as possible.
16. Ensuring that the Council reaches those who may not have access to online channels is crucial, by working closely with local partner organisations, stakeholders and community groups. Special care will be taken to ensure that 'seldom heard' groups are engaged and that, insofar as is possible, the engagement reflects the demographics of the borough.
17. The ambition is to hold face-to-face events in the summer including workshops and focus groups with community groups and residents. These are however dependent on any COVID-19 restrictions that are in place at that time. If in-person events remain impossible, this will be supplemented by a digital offer with more ways in which communities can get involved through interactive sessions, telephone conversations and street surveys where possible. Everything will be done to ensure that those who are not online have a way to feedback and give their ideas.

## **Timescale**

18. The next phase of the engagement is due to launch in mid-May, following the lifting of promotional restrictions after the Mayor of London and London Assembly elections on 6 May. The exercise will run for 12 weeks with the intention of running the engagement from May to August 2021.
19. Prior to the beginning of the engagement, officers will continue working with partners to develop the detail of the Engagement Strategy so that the council is ready to commence the engagement after the May Mayoral elections.

## **Financial Context**

20. The Council is operating in an increasingly challenging financial environment. Kingston faced a number of financial challenges in the medium to longer term - even before the COVID-19 outbreak, which has further added to these challenges. The economic and financial consequences of the pandemic, growing demand for services, and limited government grant funding make it difficult to find adequate funds to meet the borough's needs.
21. The future of local government finance faces a significant level of uncertainty. The impact of the Fair Funding Review and a future review of business rates is currently unknown, and the lasting effects of COVID-19 on residents, local businesses and the Council itself remain uncertain.
22. Despite these challenges the council has a drive and commitment to ensure it is doing the best for residents and communities.

## **Resource Implications**

23. The cost of the LDS work programme is resourced from the Strategic Planning Policy revenue budget, from a revenue reserve created for the production of the Local Plan, and from additional funding agreed by the Corporate Resources Panel. The costs of producing individual documents will depend on the extent of evidence gathering and engagement required in each case.
24. The preparation of the Local Plan is the priority project for the Council. Evidence base work to inform the Local Plan will draw on officer resources and expertise across the Council, as well as commissioning specialist consultants to undertake studies.
25. The cost of publishing the LDS itself is expected to be minimal, involving publishing on the Council's website.
26. The Further Engagement on the Local Plan provides an additional round of engagement that will require a review of the existing budget of the Local Plan Programme. However, the recent changes to the planning policy context are significant, therefore it is considered imperative to understand the community's views on how they affect key issues that need to be addressed in the Local Plan.
27. With the onset of COVID-19, like most of the Council, the Strategic Planning team has been home working. Planned resources in the team have also expanded from

two to seven members during this time, which is positive for the production of the plan. The nature of writing a Local Plan involves working with stakeholders and partners across the Council to share knowledge and develop evidence base documents to aid policy writing. Working within the current COVID-19 environment has created some challenges, however it is still envisaged that the Local Plan timetable can be met.

28. The project will be managed by a combination of existing resources and expertise but to ensure the reach, breadth and quality of feedback needed to draft the Local Plan the engagement exercise will also need:
- the recruitment of a temporary project officer to oversee the organisation and delivery of the engagement and to assist with analysis and reporting;
  - external design and printing resources to help with promotional materials;
  - additional support via a research organisation to assist with innovative engagement

These additional requirements are fully funded.

### **Legal Implications**

29. A LDS is required under section 15 of the Planning and Compulsory Purchase Act 2004.
30. The production of the Local Plan and South London Waste Plan are also prescribed by guidance under the Planning and Compulsory Purchase Act 2004.
31. The Local Plan will need to satisfy a number of legal ‘tests of soundness’ as part of the Examination in Public concerning its preparation, which are to show that it has been positively prepared, justified, is effective and consistent with national policy. Adherence to the Act and the The Town and Country Planning (Local Planning) (England) Regulations 2012 will be critical to the Plan being found sound. The Plan will also need to be in conformity with the London Plan and the National Planning Policy Framework.
32. There is a risk of third party legal challenge during the Plan preparation process, for example from developers/ landowners regarding decisions to include/ exclude sites as allocations within the Plan. Early engagement serves to mitigate the risk aiming to draw out any such issues before the critical Examination stage.
33. The current Core Strategy, and the K+20 Kingston Town Centre Area Action Plan will remain in place until the new Local Plan reaches adoption. The Local Plan will gather weight as it proceeds through production, and will be considered alongside existing adopted documents in decision-making to ensure that new planning proposals do not prejudice the emerging Local Plan. The weight to be afforded to the emerging Local Plan will be proportionate to the planmaking stage reached.

### **Risk Assessment**

34. The LDS confirms that the Council will be producing a new Local Plan. Its adoption and publication will inform the local community and stakeholders that the Local Plan is being prepared through the programme set out, including the stages at which

they have the opportunity to be consulted and be involved in its production. It should be noted that the local community and stakeholders have already been consulted at the early stage of the Local Plan preparation, notably at the Early Engagement (Regulation 18) stage, which occurred between May and July 2019.

35. In addition to a consultation on a complete draft plan (Regulation 18 stage), the Further Engagement on the Local Plan gives the community another opportunity of involvement in the plan preparation. Without an adopted LDS the community will not have sufficient notice of the work being undertaken on the Local Plan through the LDS, and therefore the Council would not seek to commence the Further Engagement of the Local Plan until such time that the LDS has been approved.
36. There are other risks associated with not adopting the LDS:
  - The Council will not fulfil its statutory duties to produce an LDS.
  - Up-to-date policy documents provide greater guidance and certainty for developers. Without the LDS and confirmation that this guidance will be produced, future investment in the borough may be threatened.
37. Full compliance with the legal requirements of plan making is the biggest risk to the production of the Local Plan. The Plan will need to meet the requirements of the Duty to Cooperate and the 'tests of soundness' as identified in government policy, as these will be the key elements tested against at the Examination in Public. The revised housing targets in the draft new London Plan pose significant challenges and continued dialogue with the GLA and other key partners will be necessary to enable the delivery of the LDS.

### **Equalities Analysis**

38. An Equalities Impact Assessment will be undertaken as part of the Local Plan work programme and incorporated into the Sustainability Appraisal process to ensure that Local Plan policies do not disadvantage any groups or communities. The Sustainability Appraisal will be undertaken at key Plan-making stages to test the impact of policy options.
39. Officers will work with the council's Equalities Officer to ensure equality duties are considered in all engagement work and throughout plan preparation. Efforts will be made to ensure responses are representative of the borough as a whole, to ensure that representations are not from a narrow demographic range than is seen in the wider community.

### **Health Implications**

40. The LDS include the production of the Local Plan which will identify the development and safeguarding needed to meet the future requirements of the borough including housing, employment, leisure, open space and other facilities, all of which are essential to ensure the health and well being of Kingston's residents and visitors.

41. There aren't any health implications expected for digital engagement. Officers will work closely with Public Health colleagues to ensure any face to face engagement exercises are carried out within current COVID-19 guidance.

### **Road Network Implications**

42. An evidence base is being assembled to support the production of the Local Plan. This includes a Transport Forecasting Report which assesses the implications of new development on both the road and public transport networks and associated mitigation measures necessary to deal with the issues arising.
43. No road network implications are expected from the engagement exercise.

### **Sustainability Implications**

44. The Local Plan will be required to be in general conformity with the London Plan and NPPF which require rigorous examination of environmental and air quality implications associated with plan production and implementation. Its preparation will include a Sustainability Appraisal that will ensure the Plan policies and site allocations do not harm environmental assets. The Plan will seek to protect, enhance and increase environmental assets such as nature habitats, water quality, flood protection, air/noise quality and open space.
45. None expected from the engagement exercise. The Local Plan will help and guide the future sustainability of the borough.

### **Annexes**

- Annex 1 - Local Development Scheme 2021 - 2024
- Annex 2 - Statement of Consultation for the Local Plan Early Engagement

### **Background papers**

- Local Plan Early Engagement - Consultation document (May 2019)
- Local Plan Early Engagement - Site Assessments document (May 2019)
- Local Development Scheme 2020 - Response and Recovery Committee Report (30 July 2020)
- The Council's responses to the Planning White Paper consultation - Response and Recovery Committee Report (29 October 2020)

**held by author/ other** - Tom Bright, Principal Planning Policy Officer

Email: [tom.bright@kingston.gov.uk](mailto:tom.bright@kingston.gov.uk)